

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2755

Introduced by Assembly Member Gallagher
(Coauthors: Assembly Members Maienschein, Mathis, and Olsen)
(Coauthor: Senator Nielsen)

February 19, 2016

An act to add Section 29312 to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, as amended, Gallagher. Agriculture: bees: civil remedies.

Existing law, the Apiary Protection Act, generally regulates bee management and beekeepers and provides various enforcement and penalty provisions for violating the act.

This bill would provide for the damages that are recoverable by a plaintiff in a civil action for the wrongful *and willful* taking, possessing, harboring, or transporting of a beehive, for the wrongful *and willful* removal of bees from their beehive, or for the wrongful *and willful* killing or destroying of bees.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

1 (1) California has the largest beekeeping industry of any state
2 in the United States. Nearly 500,000 colonies of bees are operated
3 by 400 commercial and semicommercial beekeepers.

4 (2) Commercial beekeepers move their hives at least six times
5 each year to pollinate crops or to place them near natural food
6 sources for bees. Most of the hives of bees in California are rented
7 one or more times a year for pollination of agricultural crops.

8 (3) Nearly three-fourths of the country's documented
9 commercial honeybee crop pollination is conducted in California.

10 (4) Drastic reductions in populations of native insect pollinators
11 have created a great need for honeybee pollination to ensure
12 reseeding and perpetuation of wild plants. These plants serve as
13 sources of fruits, nuts, and vegetation for consumption by various
14 birds and mammals.

15 (5) California is a national leader in the production of honey,
16 with total yields averaging 20,000,000 pounds each year. An
17 average of 400,000 pounds of beeswax is produced as well.

18 (6) In recent months, there has been a significant reduction in
19 honeybee population due to Colony Collapse Disorder and other
20 problems such as poor nutrition due to lack of available "bee
21 pasture," that is, pollen- and nectar-producing flowers. This has
22 created a serious threat to our food supply, and this crisis threatens
23 to wipe out production of crops dependent on bees for pollination.

24 (b) It is therefore the intent of the Legislature to create specific
25 civil remedies for wrongfully taking, possessing, harboring,
26 transporting, destroying, or vandalizing bees.

27 SEC. 2. Section 29312 is added to the Food and Agricultural
28 Code, to read:

29 29312. In any civil action for the wrongful *and willful* taking,
30 possessing, harboring, or transporting of a beehive, for the wrongful
31 *and willful* removal of bees from their beehive, or for the wrongful
32 *and willful* killing or destroying of bees without the consent of the
33 owner or the person lawfully in possession of those bees, the
34 damage caused to the plaintiff shall be three times the value of the
35 bees at the time of the taking, possessing, harboring, transporting,
36 destroying, or vandalizing of the bees, plus an amount in fair
37 compensation for the time and money properly expended by the
38 plaintiff in recovering or replacing the bees.

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